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EMBASSY OF THE
UNITED STATES OF AMERICA

No. 08/2002

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Democratic Republic of East Timor and refers to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training to include training related to defense articles under the United States' International Military and Education Training program, and other defense services from the United States of America to the government of the Democratic Republic of East Timor.

In accordance with these discussions, it is proposed that the government of the Democratic Republic of East Timor agree:

a. that unless the consent of the government of the United States of America has been first obtained the government of the Democratic Republic of East Timor shall not:

(i) permit any use of such defense articles or related training, including training materials or other defense service, by anyone not an officer, employee or agent of the government of the Democratic Republic of East Timor;

(ii) transfer or permit any officer, employee or agent of the government of the Democratic Republic of East Timor to transfer such articles or related training, including training materials or other defense services, by gift, sale or otherwise; or

(iii) use or permit the use of such articles or related training including training materials or other defense services for purposes other than those for which provided;

b. that said articles or related training, including training materials or defense services, shall be returned to the government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the government of the United States of America consents to another disposition;

c. that the net proceeds of sale received by the government of the Democratic Republic of East Timor in disposing of, with prior written consent of the government of the United States of America, any defense article furnished by the government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the government of the United States of America;

d. that the government of the Democratic Republic of East Timor shall maintain the
security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or related training, including training materials or other defense services, by the government of the United States of America; that it
shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the government of the United States of America with regard to the use thereof by the government of the Democratic Republic of East Timor; and

e. that the government of the United States of America may also from time to time make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that act and United States regulations applicable to such transfers.)

The Ministry's note stating that the foregoing is acceptable to the government of the Democratic Republic of East Timor shall, together with this note, constitute an agreement
between the two governments, which shall enter into force on the date of the Ministry's reply.

July 8, 2002

EMBASSY OF THE UNITED STATES OF AMERICA
DILI

REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS E COOPERAÇÃO

Nº MNEC/268/02

The Ministry of Foreign Affairs and Cooperation of the Democratic Republic of East Timor presents its compliments to the Embassy of the United States of America and acknowledges receipt of the Embassy's note no. 08/2002, dated July 8, 2002, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Democratic Republic of East Timor and refers to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training to include training related to defense articles under the United States' International Military and Education Training program, and other defense services from the United States of America to the government of the Democratic Republic of East Timor.

In accordance with these discussions, the government of the Democratic Republic of East Timor agrees:

A. that unless the consent of the government of the United States of America has been first obtained the government of the Democratic Republic of East Timor shall not:

(i) permit any use of such defense articles or related training, including training materials or other defense service, by anyone not an officer, employee or agent of the government of the Democratic Republic of East Timor;

(ii) transfer or permit any officer, employee or agent of the government of the Democratic Republic of East Timor to transfer such articles or related training, including training materials or other defense services, by gift, sale or otherwise; or

(iii) use or permit the use of such articles or related training including training materials or other defense services for purposes other than those for which provided;

b. that said articles or related training, including training materials or defense services, shall be returned to the government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the government of the United States of America consents to another disposition;

c. that the net proceeds of sale received by the government of the Democratic Republic of East Timor in disposing of, with prior written consent of the government of the United States of America, any defense article furnished by the government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the government of the United States of America;

d. that the government of the Democratic Republic of East Timor shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or related training, including training materials or other defense services, by the government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the government of the United States of America with regard to the use thereof by the government of the Democratic Republic of East Timor; and

e. that the government of the United States of America may also from time to time make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that act and United States regulations applicable to such transfers.)"

The Ministry of Foreign Affairs and Cooperation of the Democratic Republic of East Timor has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the government of the Democratic Republic of East Timor and that the Embassy's note and this note in reply shall constitute an agreement between the two governments which shall enter into force on this date.

Díli, July 10, 2002

JOSÉ RAMOS-HORTA
Senior Minister and Minister for Foreign Affairs and Cooperation